

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

CITIZENS FOR COMMUNITY VALUES, INC., :

Plaintiff, :

vs. :

UPPER ARLINGTON PUBLIC LIBRARY  
BOARD OF TRUSTEES, :

Defendant. :

Case No. 2:08-cv-00223-GCS-NMK

Judge George C. Smith

Magistrate Judge Norah McCann King

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**PLAINTIFF’S MOTION FOR ATTORNEYS’ FEES AND NON-TAXABLE EXPENSES**

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Plaintiff, by and through counsel and pursuant to 42 U.S.C. § 1988 and Federal Rule of Civil Procedure (“Rule”) 54(d), respectfully moves this Court for an award of attorneys’ fees and non-taxable expenses against Defendant. As grounds for this motion, Plaintiff states:

1. On March 7, 2008, Plaintiff Citizens for Community Values, Inc. filed its Verified Complaint for Declaratory Judgment, Preliminary and Permanent Injunctions, and Nominal Damages under 42 U.S.C. § 1983 against Defendant Upper Arlington Public Library Board of Trustees, asserting violations of their rights under the First and Fourteenth Amendments of the United States Constitution and Section 7, Article I of the Ohio Constitution.

2. On March 11, 2008, Plaintiff filed a Motion for Preliminary Injunction against Defendant, seeking to enjoin the Library from enforcing its meeting room policy prohibiting Plaintiff from accessing the Library’s meeting rooms for its “Politics and the Pulpit” event and other similar events.

3. The parties agreed to consolidate the hearing with a trial on the merits pursuant to Rule 65(a)(2).

4. On August 14, 2008, this Court issued an Opinion and Order granting Plaintiff's Motion for Preliminary Injunction and converting it to a permanent injunction enjoining Defendant from severing out and excluding activities from its meeting rooms that it concludes are "inherent elements of a religious service" or elements that are "quintessentially religious."

5. This motion is filed and served within fourteen (14) days of the entry of this Court's August 14, 2008 Opinion and Order, in accordance with Rule 54(d)(2)(b).

6. As the prevailing party, Plaintiff is entitled to seek recovery of its costs, including attorneys' fees, under 42 U.S.C. § 1988.

7. Pursuant to Rule 54(d)(2)(B)(iii), a fair estimate of the costs Plaintiff seeks is \$43,600 in attorneys' fees and \$340 in non-taxable expenses, plus any additional fees and expenses that are reasonably incurred in the preparation of Plaintiff's brief in support of its request for attorneys' fees and supporting time and expense records. *Coulter v. Tennessee*, 805 F.2d 146, 151 (6th Cir. 1986) ("time spent in preparing, presenting, and trying attorney fee applications is compensable").

8. This estimate does not include costs taxable under 28 U.S.C. § 1920. Unless directed otherwise by the Court, Plaintiff will file and serve a bill of costs within 14 days after this Court's judgment in Plaintiff's favor becomes final, in accordance with Local Civil Rule 54.1.

9. As provided for in this Court's August 14, 2008 Order and Opinion, Plaintiff shall file a brief in support of this motion, as well as supporting time and expense records to support the estimated amount requested above, no later than September 13, 2008.

Respectfully submitted this 28th day of August, 2008.

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## **CERTIFICATE OF SERVICE**

I hereby certify that on August 28, 2008, I electronically submitted the foregoing document with the Clerk of Court using the CM/ECF system for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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